

No. 2:24-cv-02254-SHL-cgc

Lindsey also states that the parties are contemplating the possibility of arbitrating this matter after the discovery of an executed arbitration agreement covering all of Lindsey’s individual claims against the remaining Defendant, Family Dollar Stores of Tennessee. (ECF No. 9 at PageID 29–30.) The parties have been engaged in discussions about the most appropriate course of action—“whether to seek dismissal of Plaintiff’s class action claims while

staying Plaintiff's individual claims pending arbitration, or to stay the entire action pending resolution of the arbitration issue." (Id.) Lindsey anticipates the parties will file a joint motion to stay proceedings within two weeks. (Id. at PageID 30.) If the parties cannot reach an agreement to stay the entire action, Family Dollar will file a motion to dismiss the collective claims. (Id.)

The Court appreciates Lindsey's explanation for the delay, but this matter has been pending for six months. To date, Lindsey has still not filed proof of service on Family Dollar Stores of Tennessee, and that party has not filed a responsive pleading. A plaintiff must file proof of service unless service is waived. Fed. R. Civ. P. 4(l)(1). Thus, the Court **DIRECTS** Lindsey to file proof of service on Family Dollar Stores of Tennessee, LLC by **October 25, 2024**. The Court also **DIRECTS** the parties to file their anticipated joint motion to stay proceedings by **October 30, 2024**. In the alternative, if the parties cannot agree to stay all of the claims pending arbitration, the Court **DIRECTS** Family Dollar to file a responsive pleading by **October 30, 2024**.

IT IS SO ORDERED, this 23rd day of October, 2024.

s/ Sheryl H. Lipman

SHERYL H. LIPMAN
CHIEF UNITED STATES DISTRICT JUDGE